IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CRIMINAL APPLICATION NO.3922 OF 2004
WITH
CRIMINAL APPLICATION NO.4352 OF 2004
IN
CRIMINAL APPEAL NO.394 OF 2003

Omprakash Sharda Prasad Mallah — Applicant (Org.Accd. No.2)

Vs.

The State of Maharashtra — Respondent

Ms.Achala Saxena for applicant.
Ms.P.H.Kantharia, APP for State.

CORAM: S.S.PARKAR & S.K.SHAH,JJ.

November 01, 2004.

P.C.

1. The prayer is made for temporary bail on the ground that the applicant's mother is going to be operated on 5th November 2004 for hysterectomy. The certificate of the doctor dated 25/10/2004 is produced in support thereof along with the affidavit of Mrs.Lalita Devi, the mother of the applicant. It is stated in the said affidavit that both her sons are in custody and her daughter-in-law is also in her village in the State of U.P. On the last occasion the affidavit of PSI Pawar dated 21/9/2004 was filed in which it was stated that the relatives of Mrs.Lalitadevi are staying nearby her residence viz.

her brother's son and others and her daughter-in-law Sarswati. On behalf of the applicant it is stated that she is staying in U.P. with her two years' old child. Considering the aforesaid circumstances we are inclined to grant temporary bail to the applicant upto 15th November 2004 on conditions.

2. In the circumstances, the applicant is directed to be released on temporary bail in the sum of Rs.10,000/- with one surety until 15th November 2004 on condition that he shall report to Goregaon Police Station twice a week while on bail. On his release he shall submit his residential address to Goregaon Police Station. He shall surrender without fail after the expiry of bail period. Both the applications stand disposed of.

(S.S.PARKAR,J.)

(S.K.SHAH,J.)